Misc. Case Nos.509, 510 and 511 of 2002

12. 16.05.2019 Heard Ms.Samapika Mishra, learned ASC for the State and Mr.S.S.Parida on behalf of Mr. N.K. Mishra, learned Senior Advocate for the respondents-opposite parties.

These applications have been filed for condonation of delay in filing the substitution petition, setting aside abatement and substitution of the legal heirs of respondent no.14.

Ms.Mishra, learned ASC submits that the respondent no.14 died on 11.7.1997 leaving behind his legal heirs. Though respondent no.14 died, but his right to sue survives. She further submits that the State is an impersonal machinery. It was not possible on the part of the State machinery to ascertain the date of death of respondent no.14. Thus, there is a delay in filing the application for substitution.

Considering the submissions made, the delay in filing the application for substitution is condoned, abatement is set aside and application for substitution is allowed subject to payment of cost of Rs.2,000/- (Rupees Two thousand) to Mr.S.S.Parida, learned counsel for the respondents-opposite parties within two weeks. Consolidated cause title incorporating the legal heirs of respondent no.14 be

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filed by the next date.

The applications are disposed of.

List the main case on 11.07.2019.

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Dr. A.K. Rath, J.

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